

**EXHIBIT J**

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## An Island in Time Weighs Its Growth

By DENNIS HEVESI

AT its core, Staten Island is a vast deposit of green rock, called serpentinite, that coalesced from oceanic crust when the great tectonic plates bearing what would eventually become North America and Africa collided about 400 million years ago.

Over the eons, that bedrock -- particularly across the southern third of the island -- was overlaid by the sand, clay and gravel of eroding mountains, and the erratics, or boulders, jettisoned by the Wisconsin Glacier as it receded a mere 12,000 years ago.

A lot has changed since then -- much too obviously for many old-time residents of that uncommon southern third of Staten Island, a community whose rural vestiges defy perceptions of what New York City is supposed to be. Not enough for those who see the future in terms of further development.

"It's probably hard for most New Yorkers to conceive of a place like Staten Island within the boundaries of the five boroughs," said Frank Chaney, land-use director in the Staten Island Borough President's Office, "the way you can drive where there's woods thick to the road, no sidewalks. Where there are swamps, hills. Where there's still open space, horse trails." Where fields of elephant-eye-high, brown-tufted reeds dance as one in the wind.

Now, after decades of contention, spot development, ad-hoc rezoning efforts and fits-and-starts installation of infrastructure, the residents of what is commonly called South Richmond are being presented with a plan that many officials and community activists believe offers hope for more rational growth.

In the balance are immediate proposals for 2,000 to 3,000 new housing units (not inconsequential numbers for a community that had only 43,000 units in 1990), for shopping plazas, for the use of long-abandoned manufacturing sites and for the ultimate fate of the notorious, mountainous, odiferous Fresh Kills landfill, due to close on Dec. 31, 2001.

The proposals include plans for 600 units near the Outerbridge Crossing, 400 in the Charleston section, 300 in Tottenville at the southern tip of the island and, most recently, for at least 400 homes for members of Hasidic communities from Brooklyn on a 66-acre site in the Bloomingdale section where two never-used, 10-story-high liquid natural gas tanks now stand.

The tank site was purchased last year by one religious group, Kolel Beth Yachiel of Tartikof, for \$3.5 million, but if the plan is approved marketing will be aimed, particularly, at members of any Hasidic group. "There has been talk for years among the observant community in Brooklyn about establishing a satellite community on Staten Island," said Joseph Margolis, coordinator of the project for Kolel Beth Yachiel.

With all that has evolved and is evolving on the island, the future -- as envisioned in the proposed South Richmond Zoning Study -- may bring changes intended to promote appropriate development while preserving a distinct community with threads to a past whose influences reach deep into prehistory.

"The glacier, which covered much of the Northern Hemisphere, reached its final southern limit on Staten Island," said Edward Johnson, curator of science at the Staten Island Institute of Arts and Sciences. "And when it retreated, it left all

these boulders, kettle ponds, a network of streams, low hills and marshland."

To the Leni-Lenape tribe of the Algonquin Nation, the island was called Aquehonga, after the sandy banks of the southern shore. To the Dutch, who first arrived in 1639 and promptly began pushing out the Indians, it was Staaten Eylandt, Island of the States -- the States being the name of the Dutch legislature.

But to the English, who came in large, well-armed vessels in 1664 -- and promptly began pushing out the Dutch -- it was Richmond, in honor of King Charles II's illegitimate son, Charles Lennox, the Duke of Richmond.

It didn't take long for the English to consummate the island's first real estate deal. "In 1670," said Richard Dickenson, the Staten Island Borough Historian, "Governor Thomas Lovelace purchased the island from the Indians."

"They had a different concept of what selling land was," Mr. Dickenson said. "To them, everybody owned the land; nevertheless, they went along with the charade." The price: an unknown quantity of coats, kettles, guns, axes, knives and wampum.

In 1676, the tiny village of Tottenville at the southern tip of the island -- in fact, the southern tip of New York State -- was first settled. And a century later, on Sept. 11, 1776, two months after the signing of the Declaration of Independence, three members of the Continental Congress -- Benjamin Franklin, John Adams and Edward Rutledge -- met with British Admiral Lord Richard Howe in what is now called the Conference House in Tottenville in an attempt to avert the Revolution. They didn't.

In the 1800's, village industries cropped up throughout South Richmond: fishing in Tottenville; brickmaking, because of the fine clay, in Charleston; oystering, particularly by a group of free blacks from Maryland and Virginia, along the western shore in Rossville. And that configuration of isolated towns, with a few roads and farms between, would hold as the pattern for development -- or, more precisely, limited development -- well into the 20th century.

And then, second only to the glacier, a human endeavor would visit a seismic consequence upon the landscape.

ON Nov. 21, 1964, the Verrazano-Narrows Bridge -- its stainless steel cables draped from 69-story towers like strands on a monumental harp -- was opened to traffic, igniting a burst of real estate development that has altered the nature of the island, and particularly the northern and central tiers, for the far foreseeable future.

The southern tier, too, has been changed by the coming of the highways and three decades of development -- bringing to the district everything from suburban-style tracts to massive mansions by the bay, strip malls to town-house rows.

Yet much of South Richmond retains its semirural, even 19th-century flavor -- sprinkled by grand Victorian homes with filigreed shutters, swing-seats on screened-in porches, old church graveyards, three-rail fences and winged-victory war memorials on the green in the middle of a road.

And so, the people of South Richmond -- the 125,000-plus citizens of the 22.8 square miles that constitute Community District 3 -- are searching for a sensible compromise, among vociferously competing interests, on how and where and how much to grow while preserving that distinctive character of their community.

Community leaders, planners and builders alike say they may have found it in the South Richmond Zoning Study, commissioned by Borough President Guy V. Molinari, which representatives of all sides seem to believe, for the moment at least, just might bring order after a chaotic generation of development. The rezoning plan, completed last fall, will begin wending its way through the city's mazelike approval process this month, said Mr. Chaney, the land-use director in Mr. Molinari's office, with final approval possible in about a year.

"We started out with the premise," Mr. Molinari said of the plan, "that South Richmond has had a lot of development that is totally inconsistent with the character of some neighborhoods. Communities started advancing spot zoning requests. Those communities that were better organized were able to advance their proposals.

"So the most appropriate approach," Mr. Molinari said, "was the rezoning of all of South Richmond," a task not undertaken since creation of a South Richmond Special District in 1975. The new plan would supplant the code set forth for the special district, which was supposed to coordinate development with infrastructure, but which critics say failed.

For the moment, parties to the process seem to be echoing each other's commendatory phrases: "rational," "sensible," "realistic," "balanced."

But at the same time, behind the hopeful expressions, lingering suspicions lurk -- focused, primarily, on three contentious considerations: town houses, school seats and sewers.

To the preservationists, town houses are the bane of their development ideal. Because of the current zoning code, said Dennis Dell'Angelo, an architect and president of the Pleasant Plains-Prince's Bay-Richmond Valley Civic Association: "The builders are buying large lots, knocking down single homes and are able to put up 10-family, 12-family homes. And it's changing the whole neighborhood."

The current residential zoning code for most of South Richmond allows for a variety of unit densities on 40-by-100-foot lots. But historically, because of the island's relative isolation before the bridge, and because most of South Richmond remains without sanitary sewers, building has been limited to one- or two-family homes on large plots, each relying on its own septic system.

"Part of the problem is lack of sewers," said Dennis Sarlo, chairman of Community Board 3. "I would say about 60 percent of the area is on septic."

Over the last decade, however, as the city has installed sewer mains in certain sections, it has become increasingly possible for developers to build multiple-unit dwellings and hook up to the mains. At the same time, detached homes, both grand and modest, keep cropping up, sometimes in a helter-skelter manner.

And so, in wandering through disparate neighborhoods, one can see, at once, a startling variety of houses: old wood-frame next to Art Deco, ranches beside adobe-style stucco, a Victorian across from a colonnaded front, bungalows down the block from mansions, a 10-foot-high concrete compound around an entire lot. On Arbutus Avenue in Annadale, a turreted castle stands overlooking Raritan Bay, around the corner from a house with barrel roofs and near another with a front resembling a ship's prow. And, here and there, a row of town houses.

Turn any corner in South Richmond, it seems, and somewhere on the block, a house is under construction. Between 1970 and 1990, the district's population jumped 73.2 percent, from 73,300 to 126,956. Between 1980 and 1990, according to Community Board 3, the number of housing units increased 30.9 percent, from 33,178 to 43,425.

Leo Savo, a builder, understands the concerns of those opposed to town-house development. "I live near Huguenot and Prince's Bay," he said. "I do care about this neighborhood and I still want to live in South Richmond."

AS president of Dora Homes Inc., Mr. Savo has built about 250 houses in South Richmond over the last 12 years, and is currently constructing 36 semidetached houses at Bloomingdale Road and Malvine Avenue in the Rossville section. Each side of a duplex will sell for about \$200,000.

"We try to reflect the neighborhood we find," he said. "We started this job with detached houses 10 years ago. Then other builders started building duplexes and town houses. So we try to reflect what they were doing."

Mr. Savo said he "can appreciate" the preservationists' preference for detached houses. "We build them, too," he said. "But if we have an area that already calls for semidetached or town houses, I don't see anything wrong with building houses for a certain category of people that can afford only that."

"The problem is, apparently, they don't want to stop town houses only. They want to stop construction even in the old



neighborhoods where we like to build custom houses from \$450,000, \$500,000 or even more.

"They're stopping that by using the school-seat requirement," Mr. Savo said.

In all of New York City, there is only one community in which, by statute, homes cannot be built unless there are commensurate numbers of school seats -- South Richmond.

Written into the old zoning code, the requirement states that a school seat is considered available under one of three conditions: the school already exists, a school is within one year of completion or a school is in the city's capital budget within three years of completion. For every school seat certified, permits for two housing units can be granted.

At present, a new elementary school, P.S. 56, with 900 seats, is scheduled to open in the Annadale section in September; and another 900-seat school, P.S. 6 in Tottenville, was approved last year for inclusion in the capital budget. Those 1,800 seats mean that permits for 3,600 housing units will eventually be available -- and eagerly sought.

But last summer, the City Planning Commission placed a moratorium on certification of school seats in South Richmond, including those for P.S. 56. The Building Industry Association of New York promptly filed suit.

The moratorium, said Mark Muscaro, executive vice president of the builders' group, "is clearly a violation of the law, which says that if the school is under construction those seats should count toward certification."

The industry "recognizes the importance of adequate classroom space," Mr. Muscaro said. "The quality of Staten Island schools is one of the attractions to the island as a place to live. But there are suspicions among the development community that the school-seat requirements have become a convenient tool to stop all development."

The moratorium has "put the brakes on a significant number of projects," Mr. Muscaro said. "A lot of this stuff is as-of-right. Developers invested in properties that are zoned for this type of development, and now their investment is being eroded as time goes by and their carrying costs and debt service continue to mount."

Mr. Dell'Angelo, the architect and civic leader, sees it differently: "The community's position is that we have overcrowded existing schools. Areas like Tottenville and Rossville, where you have major development, those schools have lost their libraries, their gyms, their resource rooms, their teachers' lounges. They have to have two or three assemblies so that the principal can address the entire student body.

"Obviously, what the community is looking for out of these new schools is to be able to relieve the crowding in the existing schools. I'm in favor of slowing down construction so that the people can take a breather, start catching up."

Pithily expressing her position on builders, Lorraine Sorge, president of the Staten Island Taxpayers Association, an umbrella group for civic associations, said, "Each school seat they find, they immediately jump on like vultures and the city authorizes two housing units." New school seats, she said, "should not be counted in any way because these are seats that we already need."

A significant wrinkle in the school-seat dispute has been the city's practice of granting building permits even if the certified seats are in schools nowhere near the development.

"What that means is that if a house is being planned in Tottenville, on the far end of the island," said Mr. Sarlo, the Community Board chairman, "and there is a school seat in Great Kills, eight miles away, they'll grant a permit."

ON Tuesday night, Community Board 3 unanimously adopted a resolution calling for the new South Richmond Zoning Plan to include wording that would tie any new housing unit to a certified school seat in its neighborhood school. The board's action is advisory.

Much is now riding on acceptance of the zoning plan, first by the City Planning Commission and then by the City

Council. The City Planning Department, the administrative arm of the Planning Commission, prepared the South Richmond Zoning Plan under a contract with Mr. Molinari's office. Despite repeated requests over a two-week period, Planning Commission officials declined to provide data about growth in South Richmond or to allow the director of the department's Staten Island Office to be interviewed.

In the assessment of Mr. Chaney, the land-use director in the Borough President's office: "The plan will retain opportunities for developing a variety of housing types for different income levels. But it will do this in a way that insures that areas that have that small-town character will stay that way."

Previous zoning for most of the area, Mr. Chaney pointed out, focused only on the type of house -- detached as opposed to semidetached or town house -- without taking lot size into account. "What we've proposed," he said, "is to modify an existing zoning that allows one- and two-family houses on small lots. The gist of it is to key the size of the lot to the size of the house, so you don't end up with huge houses on narrow lots."

Under the modification, a two-story house would require at least a 40-foot-wide lot, a three-story house would require 50 feet and a four-story would require 60 feet. In addition, each larger-sized lot would require 5 additional feet of side yard.

The zoning modification would apply to several large areas of South Richmond -- including Prince's Bay, Annadale, some of Eltingville and some of Woodrow. Town houses would not be allowed in those modified zoning districts.

At the same time, some areas would retain the existing zoning, which allows two-family and town houses -- Arden Heights, half of Woodrow and small pockets along Raritan Bay.

Mr. Molinari said the plan would allow town houses on about 17 percent of South Richmond, "whereas, the present zoning permits such construction in 80 percent of the total area."

So far, the proposal has generated favorable reviews.

"The Building Industry Association has given its early support to the recommendations in the zoning study," said Mr. Muscaro. "That's not to say we wouldn't propose amendments to it, but we generally support the recommendations. This despite the fact that it reduces the district's development potential significantly."

Mr. Dell'Angelo, the civic association president, said the plan would foster "appropriate development, placing an emphasis on neighborhood character. It would maintain people's investment and keep them from leaving."

"What's coming out," he said, "is exactly what the community has been screaming about for the past 10 years."